

BOARD OF APPEALS CASE NO. 5348

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BEFORE THE

APPLICANTS: Tim Rohrman & Mary Moody

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow an oversized
accessory structure in the AG District;
3086 Whiteford Road, Pylesville**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/23/03 & 4/30/03

HEARING DATE: June 11, 2003

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Record: 4/25/03 & 5/2/03

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Tim C. Rohrman and Mary A. Moody, are requesting a variance, pursuant to Section 267-26C(1) of the Harford County Code, to allow an accessory structure to be more than 50% (1548 square feet) of the habitable square footage of the principal structure (980 square feet), and higher than the principal structure (24 feet proposed, 12 feet allowed) in an AG/Agricultural District.

The subject parcel is located 3086 Whiteford Road, Pylesville, Maryland 21132 and is more particularly identified on Tax Map 10, Grid 1B, Parcel 179. The parcel consists of 0.83 acres, is zoned AG/Agricultural, and is entirely within the Fifth Election District.

The Applicant, Tim C. Rohrman appeared and testified that he intends to construct a 24-foot by 36-foot barn on his property that will be 24-feet tall. The existing home is a mobile home that is 980 square feet. There are 3 other sheds on the parcel. Two of these are "Black Bear" sheds measuring 10-feet by 12-feet and 8-feet by 10-feet respectively. The third is an old chicken coop now used for storage. The Applicant indicated that he needs to store antiques and other personal items that belonged to Ms. Moody's mother. Additionally, the Applicant pointed out that he suffers from skin cancer and he cannot work on his car or lawn mowers without shelter from the sun. The Applicant does not operate and does not intend to operate a business from the new structure.

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The Applicant stated that his property is unique. It has rolling to steep slopes and is bordered by woods and a stream to the south, MD 136 and a wooded area to the west, power lines to the east and open fields to the north. The proposed structure is similar in size and appearance to other structures found in the Agricultural zone and particularly, in this immediate area. The Applicant did not think the structure would create any adverse impacts to adjoining property owners. In fact, the Applicant indicated that his neighbors supported his request. There were no persons that appeared in opposition to the request.

Mr. Anthony McClune appeared as Chief of the Current Planning Division of the Department of Planning and Zoning. McClune agreed with the Applicant that the subject parcel is unique and that the proposed structure is similar in size and appearance to that of other buildings commonly found in Harford County's agricultural areas. What is also unique is that the principal dwelling is significantly smaller than other homes found in the AG district. McClune pointed out that there were some abandoned vehicles and other debris on the property that the Department would want removed prior to approval so the property will not be overly cluttered. Other than that and several other recommended conditions, the Department recommends approval of the request.

CONCLUSION

The Applicants, Tim C. Rohrman and Mary A. Moody, are requesting a variance, pursuant to Section 267-26C(1) of the Harford County Code, to allow an accessory structure to be more than 50% (1548 square feet) of the habitable square footage of the principal structure (980 square feet), and higher than the principal structure (24 feet proposed, 12 feet allowed) in an AG/Agricultural District.

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Section 267-26C(1) of the Harford County Code provides:

“Accessory uses and structures.

C. Use limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:

- (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of § 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nor the conducting of any business unless otherwise provided in this Part 1. “**

The Harford County Code, pursuant to Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”**

For the reasons stated by the Applicant and the Department, the Hearing Examiner finds the subject parcel unique. Moreover, buildings of this size and height are commonly found in the AG District and will not be incompatible with other structures in this neighborhood. No adverse impacts will result as to adjacent or neighboring properties and the purpose of the Code in limiting the occurrence of oversized and obtrusive building is served.

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For the foregoing reasons, the Hearing Examiner recommends approval of the subject request, subject to the following conditions:

1. The Applicant shall obtain any and all necessary permits and inspections.
2. The structure shall not be used in the furtherance of a business.
3. The structure will not be used as additional dwelling space.
4. The Applicant will remove or store within an enclosed building, all junk and debris presently located on the property.
5. Commercial trucks and untagged vehicles will be removed from the property prior to issuance of permits and no further storage of commercial vehicles shall be allowed on the parcel without further approval of the Board of Appeals.
6. Permits shall be obtained for the existing sheds or, in the alternative, these must be removed prior to issuance of permits for the new structure.
7. The new structure will not be used for the storage of commercial vehicles or contractor's equipment.

Date JULY 17, 2003

William F. Casey
Zoning Hearing Examiner